

10/24/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-13359

NAME AND ADDRESS: WILDER HATCH
2787 KELLY TOPONCE RD
BANCROFT ID 83217

SOURCE: UNNAMED SPRING

TRIBUTARY: SINKS

QUANTITY: 0.270 CFS

PRIORITY DATE: 05/01/1970

POINT OF DIVERSION:

T07S R38E S11 SWSWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	0.270 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE:

IRRIGATION Within CARIBOU County

T07S R38E S11	SWSE	3.0	T07S R38E S14	NWNE	10.5
---------------	------	-----	---------------	------	------

STOCKWATER Within CARIBOU County

T07S R38E S11	SWSE	T07S R38E S14	NWNE
---------------	------	---------------	------

13.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use

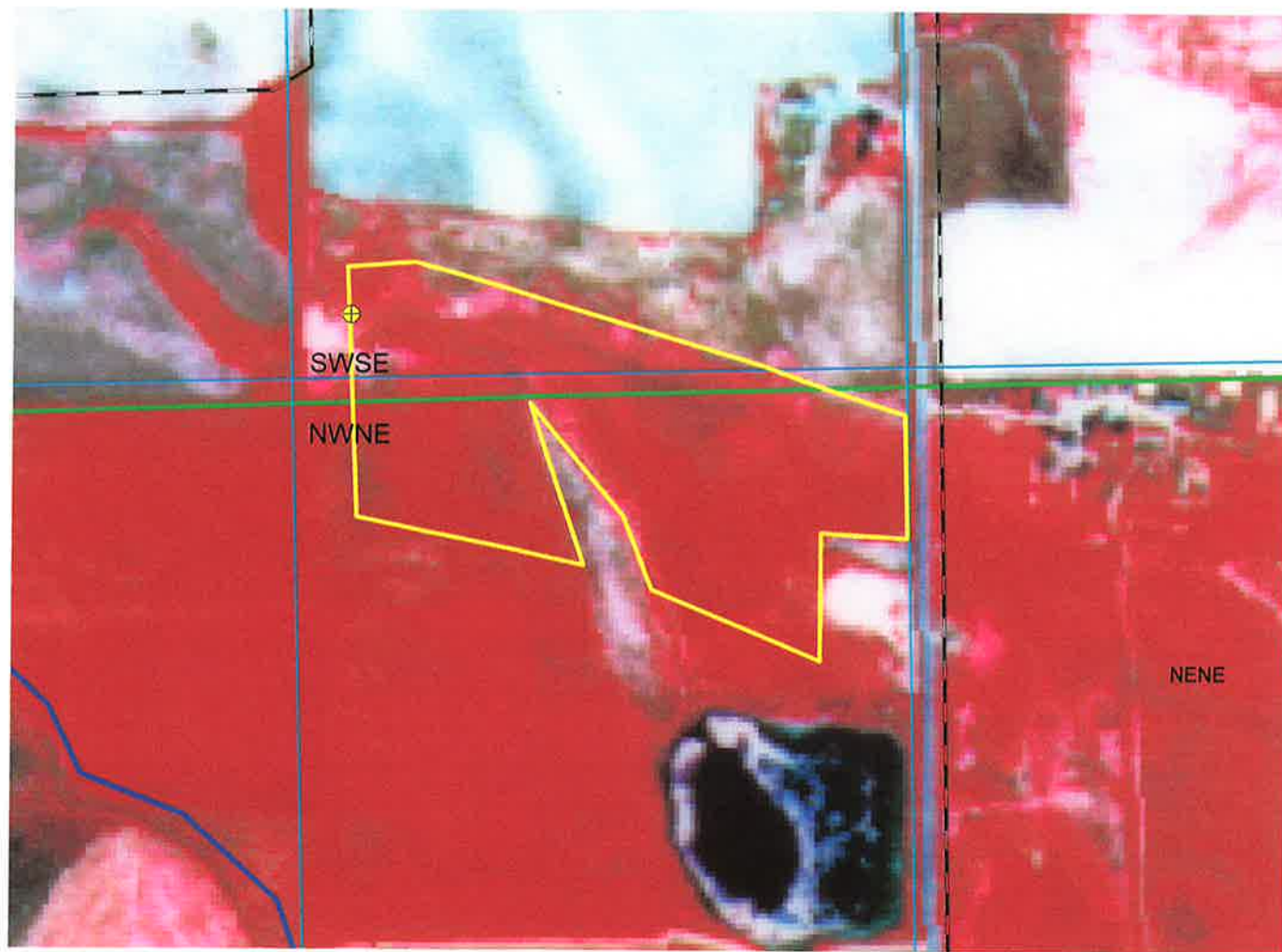
Use of this right is combined with water from Toponce Canal Company.



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right 29-13359



0.1 0 0.1 0.2 Miles

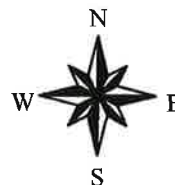
IRRIGATED ACRES 13.5

LEGEND

-  Point of Diversion
-  Place of Use
-  STREETS
-  SECTIONS
-  QUATER-QUATERS
-  STREAMS

Place of Use: T7S, R38E,
(part of) Sections 11 and 14

Points of Diversion: T7S, R38E
Sec. 11 SWSWSE



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: October, 2002

NOTICE OF ERROR
REPLY

02/08/2003

Cindy
can't find file
Eden

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-13359

WILDER HATCH
2787 KELLY TOPONCE RD
BANCROFT ID 83217
Telephone Number: (208)648-7758

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

2/21/03

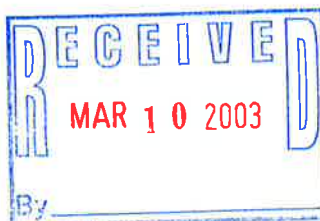
SIGNATURE:

Wilder L Hatch

Please print your name:

WILDER L. HATCH

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



RECEIVED
FEB 28 2003
Department of Water Resources
Eastern Region

Idaho Dept. of Water Resources
Attn: Cindy Bird
15 West Center
Soda Springs, Idaho 83276

October 15, 2002

Dear Cindy,

In response to your letter dated October 1st, 2002 regarding evidence of priority.

My neighbor Dean Smith has witnessed the beneficial use on the land in T7S, R38E, in the NW ¼ of the NE ¼ of sec. 14, claim No. A29-13359 since 1970.

Respectfully,



Wilder Hatch



Witness

10-15-2002

date

State of Idaho)

ss.

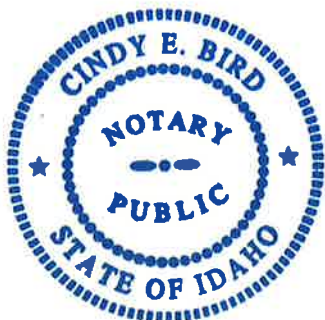
County of Caribou)

Subscribed and sworn (or affirmed) before me this 15 day of October 2002.

Residing at Lava Hot Springs

My Commission Expires May 1, 2007

Cindy E Bird



Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Name connector: and ____, or ____, and/or ____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: Wilder Hatch Phone Number: 648-7258

Relationship to Claimant: self

Date of Field Exam: 6/11/02 Time: 12:30 pm

Directions to Property (if different from above) and/or update owner information:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Reviewer: C13

Date: 10/3/02

Priority Date Data Entry Form

Claim Number: 29-13359

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 5-1-1970 Claimed Basis: B.U.Recommended Priority Date: 5-1-1970 Recommended Basis: B.U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Needs evidence.10/15/02 letter (affidavit) to B.U.Reviewer: CBDate: 10/3/02

Point of Diversion and Source Data Entry Form

Claim Number: 29-13359

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: Unnamed Spring Tributary: Sinks

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
75	38E	11		SWSE	Caribou	Spring
GPS Coordinates: <u>N 42° 49.195'</u> <u>W 111° 58.620'</u>						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Field Exam

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: 29-13359☒ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
07S	38E	14	NWNE		Caribou		10.5	Irrigation.
			NWNE				—	Stock water
7S	38E	11	SWSE				3	
			SWSE				—	Stock water

Total Acres 13.5

Document how the POU was verified:

field exam

1987/88 NAPP PHOTOGRAPHY

Transfers Changing POU _____

Reviewer: CBDate: 10/3/02

Purpose of Use Data Entry Form

Claim Number: 29-13359☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			13.5	
Stock		105		

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			13.5	
Stock		105		

Document how the Purpose of Use was verified:

field exam
1987/98 NAPP Photography,

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 10/3/02

Period of Use and Quantity Data Entry Form

Claim Number: 29-13359☒ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	9/15	0.27.	
Stock	1/1	12/31	0.05	

Overall Diversion Rate 0.27.

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

field exam - measured water with partial flumeReviewer: CBDate: 10/3/02

Claim No.: _____

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

TOPonce Canal Company shares are also
used on this property.

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

See attached field notes & photos

Claim No.:

Reviewer

CB

Date

10/3/02

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State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 1, 2002

Wilder Hatch
2787 Kelly Toponce Road
Bancroft, Idaho 83217

**Re: Evidence of Priority
Claim No. A29-13359**

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

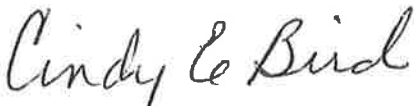
For your reference, I have enclosed the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. **Field exams to verify other items of the Notice need to be conducted by the Department personnel.**

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by **October 15, 2002**, referencing **all documents with the corresponding Notice number.** If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,



Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"

Bird, Cindy

From: Bird, Cindy
Sent: Tuesday, October 01, 2002 12:19 PM
To: Crabtree, Jennifer
Subject: 29-13359

Hi Jen,
Some time ago I sent over this claim. I see that the claim was data entered by I didn't get the claim back. Would you please send me this claim.
Cindy

W.L. Hatch B.V. Claim

6/11/02 12:40 Spring - Sink
Hatch B.V. Claim migration.

POD HATCSP N 42° 49.15' W 111° 58.620

1:44 pm. Photo 1: taken looking north-east of
at the pod. The dolphin is the
left in left observer's shot. The
right dolphin is visible that's shot.

1:50 pm. Photo 2: looking east at the pod
where the spring water feed migrants

(#538)

~~Any water in~~
The dolphin goes to the pond. The dolphin
leaves in an easterly direction to
Kelly Terrace Rd. when there's south
to the pond.

W. L. HATCH
Narrative by Cindy Bird
JUNE 12, 2002
SPRING

June 11, 2002 I met with Wilder Hatch on the water he uses from the spring to irrigate the pasture. Photo 1 shows the split of the water. The photo was taken looking in a northeasterly direction. The left ditch is Jeff Askew's and the right one goes to Wilder. The water goes down Wilder's ditch where he flood irrigates the pasture shown in photo 2 before it goes to the pond.



Photo 1. Wilder's diversion ditch on the right.

Once in the pond the water is pumped and sprinkles the hay crop north of the pond. Jeff Askew and Wilder share the source. When Jeff isn't using the water then Wilder uses all of the water.

Toponce Canal water is also added to the pond for irrigation. The pond is about 5.33 acres in size.



Photo 2. Looking east at the irrigated pasture.

W. L. HATCH
Narrative by Cindy Bird
June 10, 2002
Spring

This spring was decreed in the Union Grain and Elevator decree. June 7th, 2002 Steve Hebdon and I measured the flow from the spring with the Departments 15" Broad-Crested Flume. The staff gage indicated a flow of 0.80 cm or 80 mm with converts on the 15" flume chart to 0.55 cfs or 27.5 inches of water.



Photo 1. Installed Broad-Crested Weir.

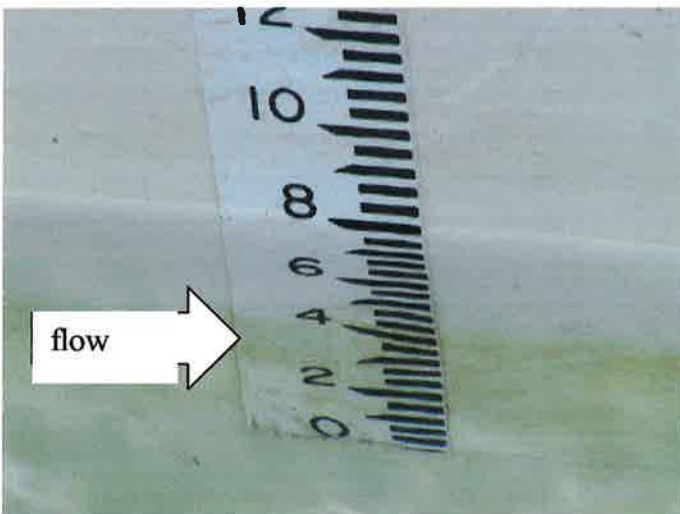


Photo 2. Staff gage measurement of 0.80 cm.

Photo 1 was taken looking east at the flume installation in the spring and photo 2 is a close-up of the staff gage. This staff gage is in centimeters

I have no evidence that this water has been used for the purpose of irrigation on Wayne Perkins property and he has not submitted any evidence to support the claim. In the late 80's the domestic home burned down. There were also some sheep shed's here until the 90's. Wayne still uses this source for cattle. Steve Hebdon confirmed that the day we measured the spring. Steve also said the W.L. Hatch has been using this water for the purpose of irrigation. It's been diverted into his pond for irrigation for years. Jeff Askew also told me the same thing when I talked to him.

Recommending
domestic/stock use from this
source for 29-10244.

6/6/02. Askew B.U. claim Perkins
Spring

$$80 \text{ cm} = 80 \text{ mm} = 0.55 \text{ cfs}$$

1.26 pm Steve Heddon & C. Bird.

$$0.55 \text{ cfs} * \frac{50 \text{ in}}{\text{cfs}} = 27.5 \text{ inches}$$

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13359
Date Received: 6/14/2002
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

WILDER HATCH Phone: (208)648-7758
2787 KELLY TOPONCE RD
BANCROFT ID USA 83217

2. Date of Priority: 05/01/1970

3. Source: UNNAMED SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	38E	14	NW NE	CARIBOU	

5. Description of diverting works:

HEADGATES WITH DITCHES TO RESERVOIR. PUMP TO SPRINKLER IRRIGATION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	09/15	0.27	
STOCKWATER	01/01	12/31	0.05	

7. Total Quantity Appropriated is:
0.27 C.F.S. and/or 7277 A.F.A.

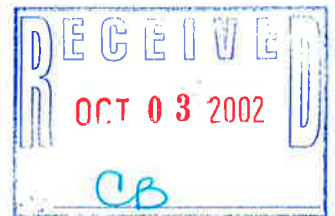
8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07S	38E	14	NW NE	IRRIGATION	13.5
			NW NE	STOCKWATER	

A2913359



Section Acres 13.5

Total Acres 13.5

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

100 HEAD OF CATTLE, 5 HORSES

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

29-13359

Date Received

6-14-02

Receipt Number

E027862

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

CK# 1533.
6/11/02 113.50

Please type or print clearly

1. Name of Claimant (s) WILDER L. HATCH Phone (208) 648-7758Mailing Address 2787 KELLY TOPONCE RD Zip 832172. Date of Priority (Only one (1) per claim) 1970, May 13. Source of water supply (a) UNAMED SPRING
which is tributary to (b) SINKS4. a. Location of existing point of diversion is: Township 7S Range 38E Section 14-,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of CARIBOU

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

HEADGATES WITH DITCHES
TO RESERVOIR PUMP TO SPRINKLER IRRIGATION
SYSTEM

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 9/15 amount 0.27 or _____

For Stock purposes from 1/1 to 12/31 amount 0.05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.27 cfs (cfs) and/or (b) 7277 (acre feet)

8. Total consumptive use claimed is 5198 33.75 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 100 head of range cows & calves, 5 horses

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>7S</u>	<u>38E</u>	<u>14</u>		<u>13.5</u>															<u>13.5</u>

Total number of acres irrigated 13.5

11. In which county (ies) are lands listed above as place of use located? Caribou

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A or None (☒)

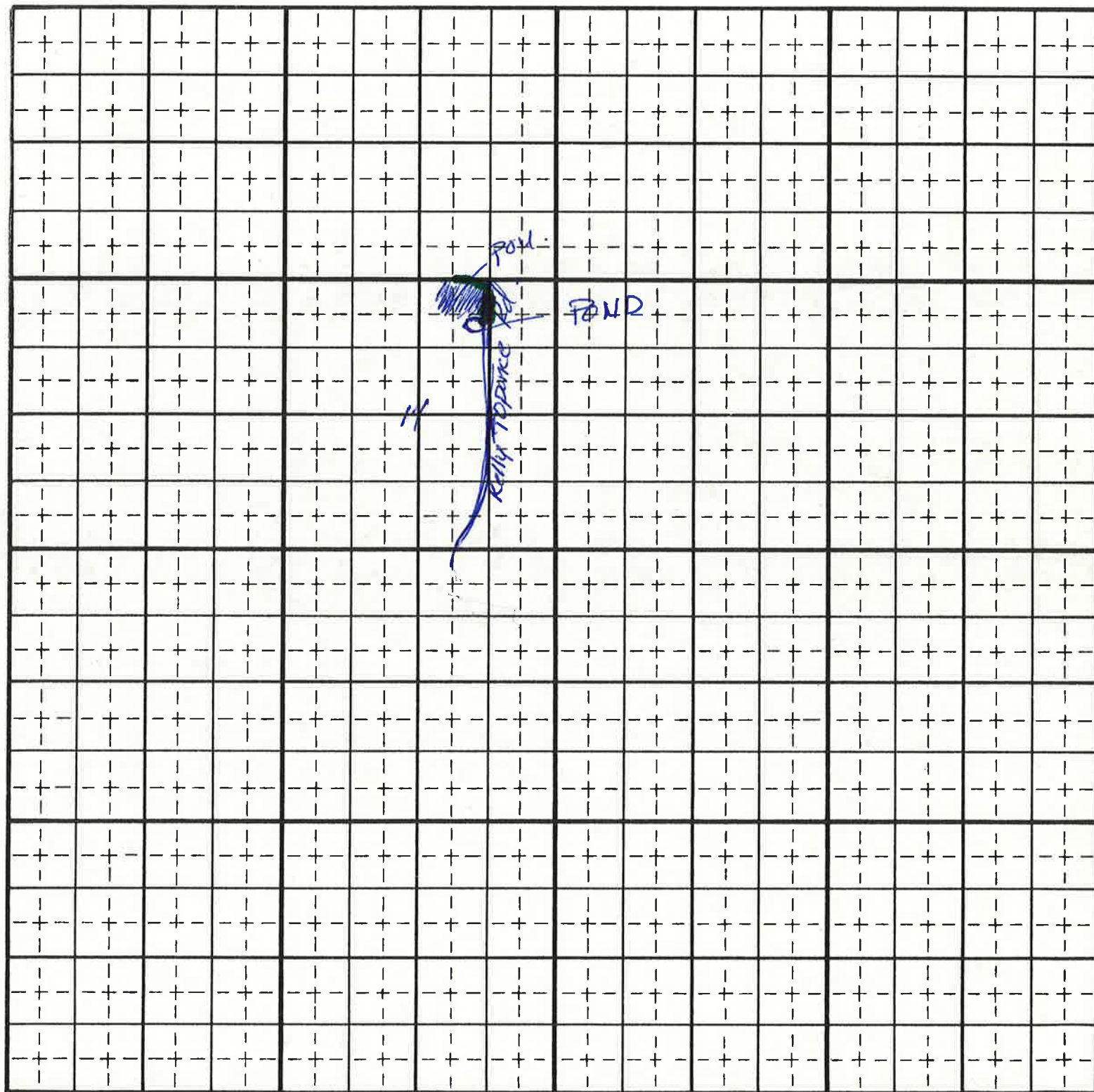
14. Remarks:

Last Name Hatch Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

T75 R38E



Hatch.

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *Wild State*

Date

6/11/02

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Bannock)

SS.

Subscribed and sworn (or affirmed) before me this 10th day of June 19 2002



Notary Public

Cindy E Bird

Residing at

Lava Hot Spring

My Commission Expires

May 1, 2007

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name

Hatch

Ident. Number _____